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Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Kuwait*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Kuwait from 4 to 8 September 2016. In her report, she highlights the country's commitment to combating trafficking in persons, as evidenced by its legal framework addressing human trafficking, its institutional framework and the establishment of a women's shelter for domestic workers. She nonetheless expresses concern about the focus on trafficking for the purpose of labour exploitation relating mainly to domestic work, the neglect of possible trafficking of some migrant workers in other sectors, and trafficking for the purpose of sexual exploitation. Other concerns include the absence of a national strategy to combat trafficking, the restrictive national immigration policy focused on rapid deportation of migrants in irregular situations, which does not provide the opportunity for accurate identification and provision of assistance to victims of trafficking, the placement of victims in shelters where their freedom of movement is restricted, and the low prosecution rates for trafficking cases.

The Special Rapporteur makes a number of recommendations to the Government, including with regard to ratification of key international legal instruments, strengthening of national legislation and policies to combat trafficking, including through the revision of existing immigration policies and the abolition of the kafala system, which contributes to trafficking. The Special Rapporteur encourages the Government to expedite the adoption of an anti-trafficking policy and the establishment of an intergovernmental body to coordinate the work of combating trafficking in collaboration with civil society organizations and international organizations. She proposes that the Government address gaps in the assistance provided to victims of trafficking, especially by providing them with effective remedies and increasing the involvement of civil society organizations in the provision of assistance to victims. She notes the need to increase capacity-building activities for government officials and calls on the Government to improve the justice delivery system and strengthen its cooperation with source countries to address the root causes of trafficking and create more opportunities for safe migration.

* The present report was submitted after the deadline so as to include the most recent information.

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** Circulated in the language of submission and in Arabic only.

I. Introduction and methodology

1. The Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, visited Kuwait from 4 to 8 September 2016, at the invitation of the Government. The objectives of the visit were to examine the prevalent forms of trafficking in persons in the country and to assess the effectiveness of measures taken by the Government to combat trafficking in persons and to protect the human rights of trafficked persons.

2. During her visit, the Special Rapporteur met high-level officials from the Ministry of Justice, the Ministry of Social Affairs and Labour and the Public Authority for Manpower. She also had exchanges with members of the Anti-Trafficking Unit and the Domestic Labour Department of the Ministry of the Interior. She interacted with members of the judiciary from the Supreme Court, the plenary court and the Public Prosecutor's Office and representatives of the Kuwait Institute for Judicial and Legal Studies.

3. She visited the government shelter for migrant workers, run by the Public Authority for Manpower, the women's prison, private nurseries for children of women prisoners, and the immigration detention centre for women. She met with representatives of civil society organizations and United Nations agencies and programmes, and members of the diplomatic community. She concluded her visit by delivering the closing statement at a joint Ministry of the Interior and International Organization for Migration (IOM) training course on cybercrime and its linkages to trafficking in persons.

4. The Special Rapporteur expresses her gratitude to the Government for its invitation and cooperation and to civil society organizations for their valuable input.

II. Main findings

A. Forms and manifestations of trafficking in persons

5. The strong economy of Kuwait relies on and attracts approximately 3 million migrants. Of the total expatriate population in Kuwait, as at June 2016, some 2.5 million people were of working age, between 15 and 59, some 1.7 million of whom were from Asia alone.[1] The largest migrant communities in Kuwait are from India (825,000), Egypt (517,971), the Philippines (185,788), Bangladesh (183,265) and the Syrian Arab Republic (180,000).[2] These migrants willingly embark on the journey to Kuwait in search of better employment opportunities, mostly in the domestic service and construction sectors. Kuwait is also home to a stateless population of 93,000 persons known as "bidoons",[3] who fall into three broad categories: (a) those whose ancestors failed to apply for nationality or lacked the necessary documentation when Kuwait gained independence in 1961; (b) those recruited to work in the Kuwaiti army or police force during the 1960s, who settled permanently in Kuwait, along with their families; and (c) children of Kuwaiti mothers and stateless or foreign fathers.[4]

6. Kuwait faces challenges as a destination country for women and men, mainly from South Asia, South-East Asia and Africa, who are subjected to trafficking in persons for the purpose of labour and to a lesser extent, sexual exploitation.

7. The causes of trafficking include poverty and a lack of economic opportunities in source countries, but also the high demand for cheap labour and services in Kuwait, including a huge demand for domestic work for middle- to high-income households. The sponsorship (kafalah) system contributes to trafficking by binding migrant workers to their

[1] See http://stat.paci.gov.kw/awarepoint/#/Data/1495/acc/Column/Sum/endAge.

[2] See www.bq-magazine.com/economy/socioeconomic/2015/08/kuwaits-population-by-nationality.

[3] See www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html.

[4] See www.hrw.org/report/2011/06/13/prisoners-past/kuwaits-bidun-and-burden-statelessness.

employers through residency and work permits for legal stay in Kuwait (see sect. B below).[3] Employers have the power to report runaway migrant workers before the workers are able to submit their claims to the Department of Domestic Workers. That leaves the migrant in breach of immigration laws, even without proper evidence of the reason that caused the worker to run away, thus subjecting runaway migrant workers to deportation.

8. Moreover, the restrictive immigration policies in Kuwait and the absence of an adequate framework for asylum or specific considerations for refugee claims further expose migrant workers to protection risks relating to the renewal of their residence permits. That leads to denial of access to health services, education and employment, and to arrest and administrative deportation. Additionally, limited access to "article 17 passports",[5] which provide only for religious, medical or educational travel of stateless persons under specific conditions, leads them to rely on traffickers and smugglers for travelling and working outside the country.

9. Traffickers' modi operandi typically involve deceptive and fraudulent practices regarding the nature and type of employment, conducted by unscrupulous recruitment agents in source countries and in Kuwait, and by employers. Most commonly, victims are exploited through breaches of contract, excessive recruitment and working permit fees normally borne by employers, reduction or non-payment of wages, long working hours and a lack of rest days. Many victims of trafficking find themselves in a situation akin to debt bondage, trying to repay exorbitant debts owed to traffickers for their journey when promises of well-paid employment turn into exploitative situations. Despite the existence of laws prohibiting passport and wage retention, both are also common practices that limit the freedom of movement of migrant workers.

1. Trafficking for labour exploitation

10. As at June 2016, migrant workers in Kuwait constituted 77 per cent of the total working population.[7] While not all migrants are subject to trafficking, cases of labour trafficking in Kuwait involve mainly low- and semi-skilled migrant workers from South and South-East Asia, the Middle East and increasingly North, East and West Africa, working mainly in the domestic service and construction sectors. Moreover, in the construction sector in Kuwait, there are allegations of forced labour of workers from the Democratic People's Republic of Korea, in situations that are sometimes akin to labour trafficking.[8]

11. The Special Rapporteur learned about the practice in some companies of sponsoring or recruiting migrant workers for non-existent jobs. The fraudulent sponsor makes a profit while the workers find themselves stranded in the host country, often in debt, with no job and forced to look for irregular work under exploitative working and living conditions. Workers are also required to pay the bogus "employer" fees to renew their work and residence permits in order to enable them to stay in the country. That illegal situation creates the conditions for desperate workers to become targets for labour trafficking.

12. Additionally, while there are arrangements for some bidoons to work, many bidoons, refugees and asylum seekers, including women and children, are not authorized to access the labour market in Kuwait and are lured into illegal employment in order to support their families, which renders them vulnerable to exploitation, including trafficking for sexual and labour purposes.

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[3] Post-visit information received indicated that a draft law on the transfer of domestic workers was under consideration.

[5] Temporary travel documents issued to bidoons, valid for specific journeys pursuant to art. 17 of Law No. 11/1962.

[7] See http://stat.paci.gov.kw/arabic/reports/#DataTabPlace:ColumnChartGendrAge.

[8] See the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/70/362), paras. 26 and 27, and United States of America, Department of State, *Trafficking in Persons Report 2016*.

2. Trafficking for domestic servitude

13. Over 600,000 migrant domestic workers, accounting for over 21 per cent of the migrant workforce, are estimated to live in Kuwait. The majority are women, most of whom are from Ethiopia, the Gambia, Ghana, India, Indonesia, Nepal, Nigeria, Senegal, Sri Lanka and the Philippines. While not all domestic workers are victims of trafficking, a large number of those women and girls are trafficked into domestic servitude by employment agencies in their home country or Kuwait, or by employers in Kuwait. The Special Rapporteur received reports of migrant women who are college graduates and trained professionals who had been deceptively recruited with offers of high salaries as nurses, private tutors or in the hotel industry, and who find themselves employed as domestic workers. Others are taken by their employers to Saudi Arabia and left there to work, in contravention of Kuwaiti labour laws.[9]

14. Many fall victims to debt bondage when they take on an initial debt as part of the terms of employment. Widely reported abuses and exploitation that further contribute to the trafficking situation include breaches of contract, excessive recruitment fees, non-payment of wages, deductions from low wages, excessive hours with no rest days and the withholding of passports. At the hands of their and their employers' families, many domestic workers experience physical and mental abuse ranging from being deprived of food to beatings, sleeping on kitchen floors or balconies, being pushed off apartment balconies, being confined in houses, being prohibited from accessing health care and outside communications, harassment, sexual assault and psychological abuse, including racism and xenophobic statements. The Special Rapporteur learned that employers, who incur costs to sponsor domestic workers, wrongly see such actions, especially the withholding of passports, as "guarantees" for getting their money's worth in terms of work and preventing escapes.

15. Domestic workers who have left an abusive employment relationship are referred to by the authorities and employers as "runaway" or "escaped" workers and are liable to imprisonment and deportation, unless they have submitted their complaints to the Department of Domestic Workers before their employer submits an absconding report to the police. A number of obstacles prevent domestic workers from lodging such complaints, including unfamiliarity with their rights, the language, and the lack of cooperation by some Kuwaitis who identify them as runaways. Victims are immediately detained on the grounds that they have absconded, or employers sometimes lodge false reports of theft as punishment. Until recently, those workers were either returned to their employers or imprisoned and deported rather than being offered protection and alternative employment, including in sectors other than those for which they were recruited. Since the establishment of the government shelter, many of them have received some assistance after being referred there by the Department of Domestic Workers.

16. Employment agencies also play a role in the trafficking of domestic workers. That includes physically and psychologically abusing migrant domestic workers shortly after their arrival in Kuwait in order to frighten them and discourage them from leaving or complaining about their employers. It is also common for domestic workers who have left their employment or complained about exploitation to be forcibly returned either to their abusive employers or new employers after facing further abuse by recruitment agents. Besides using deception to recruit migrant workers on the basis of unenforceable contracts and non-existent positions, recruitment agencies also promise employers that they will provide them with workers who are well-trained, but who turn out to be unskilled.

3. Trafficking for sexual exploitation

17. The demand for sexual services and the existence of a large migrant worker community contribute to trafficking of women and girls for sexual exploitation in Kuwait. Both perpetrators and victims are mainly from Nepal, the Philippines and Sri Lanka.[10]

[9] See Law No. 68/2015, art. 46.

[10] Information provided by the Ministry of the Interior during the Special Rapporteur's visit.

18. Young women are lured from their home countries with false promises of legal work in Kuwait, such as domestic work, childcare and waitressing, by employment agencies that take advantage of their vulnerable and disadvantaged situations. When they refuse to accept their working conditions in Kuwait, they are returned to the employment agencies, which confiscate their passports and force them to provide sexual services to repay the debts incurred for their travel. If they refuse, they are beaten up and threatened. If they go to the police, they risk imprisonment then deportation for immigration offences or soliciting prostitution, or both. Those who go to the government shelter are provided with protection until their case is finalized.

19. Additionally, domestic workers who leave a position in which the working conditions are exploitative or who are in search of better-paid employment and who are not provided with another domestic work posting by their employment agencies become migrants in irregular situations in Kuwait and risk detention and expulsion. Their immigration status renders them particularly vulnerable to trafficking for sexual exploitation in private or closed houses by employment agents, so-called "boyfriends" or other migrants whom they approach for help.

4. Other forms of trafficking in persons

20. Refugees, asylum seekers and stateless persons in Kuwait lack recognition of their status or the ability to work legally in Kuwait, which is not a signatory to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol thereto.[11] Restrictive immigration policies expose refugees, particularly those who face difficulties in renewing their residence permits for reasons beyond their control, to different protection risks including the inability to obtain education, employment opportunities, health services, freedom of movement and access to justice. That in turn makes them easy prey for unscrupulous traffickers and employers who exploit them with impunity. Their children are also liable to domestic servitude and to being lured into selling goods on the street in dangerous conditions and may be subject to the worst forms of child labour, including through trafficking by those who prey on their need for financial security (see CRC/C/KWT/CO/2, paras. 70 and 72).

B. Criminalization of irregular migration and the impact on trafficked persons

21. The economy of Kuwait relies to a large extent on the low- or semi-skilled labour of migrant workers, particularly in the domestic service, construction and sanitation sectors.

22. Kuwaiti immigration policy requires all migrant workers to possess a work permit, which is renewed periodically, usually annually, biennially or less frequently, and a residence permit obtained by their employers.[12] That sponsorship system (kafala) creates an unequal power dynamic between the employer and the migrant worker that prevents migrants from changing employers and from leaving Kuwait, which increases the migrant worker's risk of being trafficked. If they escape or report their exploitative conditions, employers can simply revoke their work permit and file absconding charges with the police, leaving migrants in irregular situations liable to lose their livelihood and be expelled from the country either through judicial deportation or an appealable administrative deportation.[13] In some cases, migrant workers' vulnerability to exploitation is heightened when employers fail to secure or renew their permits or when they are made to work in a sector other than the one for which they were issued a permit.

[11] Nevertheless, Kuwait provides assistance and protection, including free education, health care, employment, housing and food provision, to some refugees and asylum seekers on a case-by-case basis, in collaboration with the Office of the United Nations High Commissioner for Refugees.

[12] The Aliens Residence Law, issued by Amiri Decree No. 17 of 1959 and amended by Laws No. 6/2011 and No. 41/2014, provides the legal framework for the country's immigration policies.

[13] See Amiri Decree No. 12/1959 on the Aliens Residence Law, art. 16-22, and Domestic Workers Law No. 68/2015, art. 51.

23. Moreover, the Special Rapporteur was informed that, in order to dissuade domestic workers from running away, absconding charges are sometimes maliciously filed unbeknown to them,[14] even while they are still working for their sponsor. Those cases leave the migrant workers liable to detention for up to six months, the payment of fines of up to KD 600 and expulsion.[15] Often, migrants cannot pay the fines, as some have not been receiving wages. In such cases, they remain in prison and are then deported. While the Domestic Labour Department within the Ministry of the Interior provides for the extension of visas until the case is settled and for exemption from judicial charges at all levels of judicial proceedings,[16] including those involving human trafficking, the Special Rapporteur was informed that, instead of pursuing such procedures, abused migrant workers often opt for deportation to look for employment elsewhere in order to support their families.

24. Refugees and stateless persons are also at risk of trafficking in persons. They are affected by the absence of specific frameworks and considerations of their circumstances, as well as the current immigration policies.

25. In order to promote safer labour migration, the Government has promulgated labour laws protecting the rights of workers, including migrant domestic workers, and established standard employment contracts. It has entered into bilateral memorandums of understanding with several countries (see sect. J below), which facilitate and provide legal avenues for migration and the recruitment of migrant workers from source countries. Furthermore, in an attempt to regularize the situation of migrant workers in irregular situations who are already in the country, the Government, through periodic regularization processes, has issued residence permits to those who wished to stay in the country and has deported those who wished to go back to their countries, without prosecution. It is noteworthy that the handling of migrants in irregular situations by Kuwait has occasionally become an issue of contention with source countries. For example, Indonesia has in the past banned its nationals from migrating to Kuwait.

C. Legislative, policy and institutional framework

1. Legislative framework

(a) International and regional framework

26. Kuwait is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and other international human rights instruments, including the Slavery Convention of 1926, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It has also ratified the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO).

27. Regrettably, Kuwait is not a party to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol thereto, the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. It has, however, concluded a cooperation agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) that sets the parameters for cooperation on the issue of refugees and asylum seekers. Kuwait has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the Domestic Workers Convention, 2011 (No. 189), the Protocol of 2014 to the Forced Labour Convention, 1930, or the Private Employment Agencies Convention, 1997 (No. 181) of ILO.

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[14] Employers engaging in such malicious activities are criminally liable and are suspended from recruiting other domestic workers for six months.

[15] See Amiri Decree No. 12/1959 on the Aliens Residence Law, art. 14.

[16] See Domestic Workers Law No. 68/2015, arts. 33 and 36.

(b) National framework

28. At the national level, slavery and forced labour are prohibited under article 42 of the Constitution of Kuwait.

29. Law No. 91/2013 on Combating Trafficking in Persons and Smuggling of Migrants includes a definition of trafficking in persons (art. 1 (4)) similar to that contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol). Trafficking in persons carries a penalty of a minimum of 15 years' imprisonment (art. 2). A heavier penalty of up to life imprisonment is provided for if the offender is related to the victim, is part of an organized criminal group or holds a public position, if severe harm is caused to the victim and if the crime is committed using a weapon, among other situations (art. 2). The death penalty is provided for in cases in which the victim dies.[17] Harbouring individuals directly or indirectly involved in such crimes is also penalized (art. 4). Failure to inform the authorities about plans to commit a crime of trafficking is punishable by three years' imprisonment and a fine of KD 1,000-3,000 (art. 7). Provision is also made for the seizure of the proceeds of trafficking (art. 5). Trafficking offences committed by legal persons entail the same penalties mentioned above and can lead to the closing of businesses and possible criminal responsibility (art. 6).

30. Other legislation may also be invoked to prosecute trafficking or trafficking-related offences. Under the Criminal Code (Law No. 16/1960), punishable offences that may amount to trafficking and other forms of exploitation include: kidnapping, which is punishable by imprisonment of up to 15 years and/or payment of a fine (arts. 178-183); illegal detention of a person, punishable by imprisonment for up to 3 years and/or payment of a fine (art. 184); and bringing a person into or out of Kuwait for the purpose of selling that person as a slave, or buying, offering for sale or making a gift of a person as a slave, which is punishable by up to 5 years' imprisonment (art. 185).

31. Rape is punishable by imprisonment for 15 years or for life (art. 186). However, marriage is a form of reparation for women survivors of rape (art. 182). Prostitution is criminalized with up to 2 years' imprisonment and a fine (art. 200) and solicitation of prostitution is punishable by up to 2 years' imprisonment and/or a fine (art. 204). Under article 203, running or establishing premises for the purposes of prostitution and living off the proceeds of prostitution is punishable by up to 7 years' imprisonment and/or a fine. Inducing a person to engage in prostitution with the use of force, threats or deception is punishable by up to 7 years' imprisonment and/or a fine (art. 201).

32. The labour framework in Kuwait consists of periodically updated legislation regulating migrant work. Law No. 6/2010 on the private sector sets out minimum labour protection standards for private sector employees including migrant workers, except domestic workers. The labour framework prohibits the recruitment of children under the age of 15 and provides safeguards when children over 15 years are hired. It also provides guarantees of wage protection, working hours, paid leave and overtime pay.

33. Domestic workers and similar categories of workers were provided with labour rights for the first time under Law No. 68/2015, including the right to a weekly and monthly day off, 30 days of annual paid leave, a 12-hour working day with rest, an end-of-service benefit at the end of a contract, and payment of residence and work permit fees by the employer. However, the law does not explicitly state that workers may leave the household during their time off. While the law took the positive step of prohibiting employers from confiscating domestic workers' passports, penalties for passport confiscation, other than a maximum one-year ban from sponsoring domestic workers (art.

[17] In many States, imposition of the death penalty involves clear violations of international norms and standards, including disrespect for fair trial guarantees and due process, particularly with regard to the executions of juvenile offenders, in violation of the Convention on the Rights of the Child. Other violations include imposition of the death penalty for alleged crimes that do not meet the threshold of "most serious crimes", execution after a very long period on death row, and a failure to ensure that consular services are provided to foreign nationals. As such, there is a need to repeal the death penalty in law.

22) are not specified. Furthermore, employers are prohibited from passing recruitment expenses on to domestic workers and are required to pay the worker's travel costs and the associated fees of the recruitment agency. They may also be blacklisted and prohibited from issuing work visas in cases of abuses.[18] Domestic workers are also guaranteed judicial redress for payment of unpaid wages. Ministerial Decree No. 2194/2016 establishes a minimum wage for domestic workers of KD 60 (equivalent to US$ 200), placing domestic workers on the same minimum wage as other workers under the labour law. Nevertheless, the practice of setting salaries on the basis of the nationality of the domestic worker, which amounts to discrimination, is still prevalent. Decree No. 378/2016 allows migrant workers to transfer their sponsorship to a new employer without their current employer's consent after three years of work, provided they give their current employer 90 days' notice. Overall, the enforcement of existing labour laws regarding migrant workers is lax. Employers of domestic workers are rarely prosecuted for offences relating to passport retention, residence fees and other acts prohibited under Domestic Workers Law No. 68/2015 or other laws.

34. Employment agencies are subject to increased regulation that stipulates their obligations vis-à-vis the Government, employers and workers. All licensed recruitment agencies are prohibited from charging workers any amount for their recruitment or employment, either directly or indirectly.[19] While they are registered and licensed by the Ministry of Commerce and Industry, their work is monitored by the Public Authority for Manpower. As of 2016, a new standardized labour contract regulates employer-migrant worker relations in the private sector, the agencies' licences and fines. However, new complaint mechanisms are still unspecified and in general, the implementation of such regulations is considered largely ineffective

35. Perhaps the most innovative approach towards dealing with forced labour of migrant workers, particularly labour trafficking, comes with the establishment, under law No. 69/2015, of a closed joint stock company for the recruitment and employment of domestic workers. The partly government-owned recruitment company will regulate the recruitment process of domestic workers, including the amount of recruitment fees, be responsible for training workers before their arrival in Kuwait, ensure workers are medically fit to work, and maintain a confidential, comprehensive database of their personal information.

2. Policy framework

36. At the time of the Special Rapporteur's visit, the national strategy for combating trafficking in persons had not been finalized, three years after the promulgation of the anti-trafficking law. She is concerned about that delay and encourages the Government to expedite the preparation and issuance of the anti-trafficking policy, which she learned was being drafted in collaboration with all stakeholders.

37. In addition, the country's immigration policy, including the criminalization of workers in irregular situations, which may include victims of trafficking, has a clear impact on the prevalence of trafficking (see sect. B above). The absence of an asylum framework and specific considerations for refugees, as well as the policy on stateless persons (bidoons), further render those groups vulnerable to human trafficking.

3. Institutional framework

38. Besides a national committee headed by the Ministry of Justice with a mandate to establish the national anti-trafficking strategy, Kuwait does not have an interministerial body to address human trafficking. The Special Rapporteur learned that a number of committees, including a national case conference committee composed of the Ministry of the Interior, the Ministry of Social Affairs and Labour, the Public Authority for Manpower and the Ministry of Health, which used to meet weekly to coordinate anti-trafficking action relating to the protection for migrant domestic workers, had recently been dismantled. She

[18] Standard recruitment and employment contract for domestic workers (2010), art. 5 (5).

[19] Law No. 68/2015, Ministry of the Interior Resolution No. 1182/2010 amending some provisions of Ministerial Decision No. 617/1992, art. 11.

cautions that the absence of such mechanisms makes for incoherent coordination of anti-trafficking work within and across the relevant authorities, service providers and civil society organizations, to the detriment of the protection of and support for trafficked persons.

39. The department for the protection of public morals and to counter human trafficking, established in 2014 within the General Department of Criminal Investigation at the Ministry of the Interior, investigates cases of trafficking and prosecutes traffickers. It also undertakes capacity-building and awareness-raising activities in collaboration with international organizations such as IOM.

40. The Public Authority for Manpower oversees the employment of persons working in the private and the oil sectors, including by regulating the recruitment, transfer and registration of migrant labour, monitoring employers' compliance with labour law and undertaking joint labour projects with the United Nations Development Programme (UNDP), ILO and IOM. Whereas the Ministry of Social Affairs and Labour deals with labour issues involving companies, the Domestic Labour Department within the Ministry of the Interior issues and renews licences to domestic workers, oversees the recruitment process, undertakes labour inspections and settles disputes between employers and domestic workers. The Special Rapporteur cautions that the regulation of labour issues by three different government institutions causes fragmentation and different levels of protection for migrant workers. She is particularly concerned that the fact that labour issues relating to migrant domestic workers are handled by the Ministry of the Interior sends the erroneous signal that migrant domestic workers are not considered to be part of the workforce, but as potential criminals.

41. Furthermore, the Kuwait Institute for Judicial and Legal Studies plays a role in combating trafficking in persons by providing training to its staff, law enforcement and judiciary officials, in cooperation with international organizations.

42. All those institutions play a positive role in combating trafficking. However, the Special Rapporteur observed that the coordination of work among government bodies remained a challenge, owing partly to the lack of a national anti-trafficking strategy, but also the varying level of commitment to the issue of trafficking among those institutions, and their understanding of trafficking. Moreover, while some civil society organizations engage in combating trafficking on an ad hoc basis, there is a need for a coordinated approach between civil society organizations and the Government to jointly address the scourge of trafficking in persons.

D. Identification of trafficked persons

43. Officers of the department for the protection of public morals and to counter human trafficking are primarily responsible for identifying trafficked persons, in collaboration with other departments within the police force and the labour inspection authorities. The Special Rapporteur notes with concern that the identification of victims is undertaken on ad hoc basis in the absence of standard operating procedures.

44. Between 2015 and mid-2016, 13 victims of trafficking for sexual exploitation were identified, most of whom were from Nepal, the Philippines and Sri Lanka. Two of them were children.[20] All the victims were identified during a police raid. No cases of trafficking involving stateless persons, refugees or asylum seekers, who are prone to exploitative situations including forced labour, were identified.

45. From the 2,288 labour inspections conducted in the private and the oil sectors between 2015 and mid-2016 by the 300 inspectors from the Labour Inspection Department of the Public Authority for Manpower, 72 cases of trafficking for labour exploitation were identified in the construction sector.[21] Those figures suggest that cases involving confiscation of passports, withholding of wages or other elements about which the Special

[20] Information provided by the Ministry of the Interior during the Special Rapporteur's visit.

[21] Information provided by the Public Authority for Manpower during the Special Rapporteur's visit.

Rapporteur was informed and that are indicators of labour trafficking are often misidentified owing to the absence of clarity on what constitutes trafficking for the purposes of labour exploitation. The lack of identification of victims of trafficking for labour exploitation may also be partially explained by the disproportionately low number of labour inspectors in the country with sufficient training to identify labour trafficking. Inspection is also concentrated in the private and the oil sectors. While 1,855 inspections were conducted in agencies employing domestic workers in 2015, no inspections are conducted in private homes, where some 21 per cent of the workforce is employed in Kuwait and where clear indicators of trafficking for domestic servitude abound.

46. The Anti-Trafficking Unit maintains a national helpline dedicated to trafficked victims that operates 24 hours a day, 7 days a week. The helpline is available in Arabic, English and French, despite the fact that trafficked persons in Kuwait mostly speak other languages. The Public Authority for Manpower also has a toll-free hotline for complaints on a number of issues relating to labour violations.

47. Given the influx of migrant workers, refugees and asylum seekers and the Kuwaiti immigration policy based on repatriation of undocumented migrants, the Special Rapporteur is concerned that victims of trafficking may not be identified or are misidentified as migrants in irregular situations, resulting in their arrest, detention and deportation. In that regard, international organizations such as IOM should be given access to detention centres and complaints departments to assist authorities in identifying victims of trafficking. There is also a need for accurate identification of actual and potential victims of trafficking from among domestic workers in the government shelter (see sect. E below), using identification tools such as indicators of human trafficking developed in accordance with the Delphi method.[22]

48. Furthermore, the regularization processes for workers in irregular situations that are periodically granted by the authorities provide a good opportunity for trained personnel to identify victims of trafficking.

E. Protection

1. Shelters

49. In December 2014, the Public Authority for Manpower established a shelter for migrant workers to protect those who have been exploited by their employers and have nowhere to go. The shelter accepts walk-ins and referrals by embassies, non-governmental organizations (NGOs), government institutions and international organizations, 24-hours a day. Between March 2015 and March 2016, the shelter provided care to around 4,915 female migrant domestic workers. The Special Rapporteur commends the role played by the shelter, which can accommodate up to 500 female domestic workers and follows up their cases for possible voluntary repatriation or re-employment by another employer.

50. Protection for identified or potential victims of trafficking in the shelter is provided on the basis of a referral from the Counter-Trafficking Department. Victims are provided with legal, medical and other support services in collaboration with government departments, NGOs and international organizations. The shelter staff also communicates with the employers to retrieve withheld travel documents and obtain payment for return tickets. In cases where the women do not have travel documents, the shelter also contacts their embassies in order to facilitate the issuance of new travel documents.

51. The work of the committed and dedicated staff in the shelter is limited by a lack of standard operating procedures for the provision by trained staff of comprehensive support, including psychological and legal support to victims of trafficking and exploitation. For instance, although persons in the shelter who are presumed to have been trafficked come from various countries and speak different languages, there are no on-site interpreters available to assist them on a daily basis.

[22] A methodology used to reach consensus on indicators of human trafficking.

52. What is perhaps more alarming is the limited freedom of movement of victims of trafficking who receive assistance in the shelter; they can leave the shelter definitely only after signing a discharge form, at their request. That can prove dangerous in cases where absconding or other criminal charges exist against them as they do not benefit from any protection outside the shelter. Otherwise, leaving the shelter and returning is not allowed, except for specific reasons and if accompanied by police officers. The Special Rapporteur is concerned that, in effect, such shelters are equivalent to detention centres and the protection measures in place result in further violations of victims' human rights. She stresses that the personal freedom of people living in the shelter must be respected at all times during their stay.

53. Some civil society organizations have the capacity to provide protection and assistance to victims of trafficking. For instance, their support is sought for free legal and other assistance, although that is often provided on ad hoc basis.

54. Moreover, some embassies, such as those of India, Indonesia and the Philippines, provide temporary shelter and assistance to their exploited workers, including trafficked individuals seeking refuge after having fled abusive employers.

2. Non-criminalization of trafficked persons

55. Immunity from criminalization is not specifically provided for trafficked persons for offences committed in relation to or induced by their status as victims of trafficking, although it would be possible to provide such exemptions on a case-by-case basis under the general exception part of the Penal Code. However, migrant victims of trafficking who are found to have violated the Residency Law, for example, by staying in the country beyond the validity of their permit or because their work permit was not processed by their employer, do not benefit from exemption from deportation. In addition, the criminalization of persons who are forced into the sex industry deters victims of trafficking for the purpose of sexual exploitation from reporting to the police.

56. As a result, many migrants in irregular situations are afraid to contact the authorities, whether directly or online, and avoid seeking available legal protection and remedies, even when they are entitled to them. In fact, that approach leads to the criminalization of victims for crimes they have committed while being trafficked and for which they should not be held liable.[23]

F. Investigation, prosecution and punishment

57. The Public Prosecutor conducts investigations on the basis of preliminary information provided by the Counter-Trafficking Department and labour inspectors and files the trafficking case with the court, under articles 12 and 13 of the anti-trafficking law. In the meantime, victims in need of protection are referred for medical assistance in hospitals or to shelters.

58. The Special Rapporteur acknowledges the positive measures that have been taken to investigate trafficking cases since the promulgation of the anti-trafficking law in 2013. They include several training sessions, such as the mandatory human trafficking course for newly hired judicial officials, including prosecutors and judges, on-site exchange of experience with international counterparts and the development of a training manual on investigation of trafficking cases in coordination with entities including the Kuwait Institute for Judicial and Legal Studies, IOM and other international organizations for a uniform approach to dealing with cases of trafficking. Moreover, the importance given to addressing cases of human trafficking is also reflected by the fact that the Public Prosecutor is specifically mandated to prosecute all cases involving human trafficking, including when crimes carry a sentence of fewer than three years. Additionally, exemption from paying court fees is granted to domestic workers who wish to undertake judicial pursuit of cases concerning labour exploitation, including trafficking.

[23] See the Principles and Guidelines on Human Rights and Human Trafficking.

59. Nevertheless, a number of factors have hampered the effective and swift investigation of trafficking cases, including limited coordination among enforcement agencies. The lack of an accurate understanding of the complex and recently outlawed crime of trafficking, and how to separate cases of trafficking from labour, immigration and other crimes, also clearly emerged during the discussions the Special Rapporteur had with interlocutors from the judiciary and law enforcement. In that regard, concerns affecting the investigation and adjudication of possible trafficking cases include the insufficient capacity of prosecutors and officers of the Counter-Trafficking Department to implement the recent anti-trafficking law, despite the fact that they have undertaken several training courses. The lack of clarity about what constitutes trafficking for forced labour also affects the investigation and adjudication of possible trafficking cases and leads to perpetrators being indicted and eventually convicted for other crimes with less severe punishments. The lack of communication with some trafficked persons owing to language barriers also affects investigation. Moreover, the kafala system and the fear of absconding charges set up by employers against employees discourage migrant workers from lodging complaints, even in the face of grave violations, in order not to be deported and lose their much-needed income. As such, the overwhelming majority of forced labour cases are settled through mediation, which includes repatriation and the restitution of full or partial wages and identity documents.

60. As a result, prosecution rates are low. According to the Public Prosecutor's Office, nine cases of trafficking were prosecuted between 2015 and mid-2016. Of those, final convictions were obtained for four human trafficking cases involving the sexual exploitation of six female migrants and one other conviction was obtained for imposing slavery-like working conditions on one migrant worker.[24]

61. The authorities also cited the reluctance of victims to cooperate with law enforcement agencies as one of the main reasons for the low prosecution rates. While noting that assistance to victims should be provided irrespective of their collaboration with the authorities,[25] the Special Rapporteur wishes to highlight that short reflection periods with the possibility of extension, lengthy trials and limited legal counselling and representation, interpretation assistance and information on the case, as well as limited freedom of movement from the shelters, the inability of victims to work while in the shelters, fear of reprisals when reporting traffickers, detention for immigration-related offences and deportation are factors that further discourage victims of trafficking from collaborating with the enforcement authorities. The impunity of employers who subject migrant domestic workers to trafficking or who illegally hold their passports is another strong disincentive that leads migrant workers to opt out of judicial proceedings. The limited possibilities to file cases of trafficking in courts when victims already have an absconding charge against them contribute to the impunity of traffickers and perpetuate the abuses faced by victims who abandon the case and leave the country in order to earn a living elsewhere.

62. Furthermore, the Special Rapporteur cautions against assigning blame or responsibility for abuses against trafficked persons only to traffickers outside of Kuwait, particularly employment agencies in countries of origin and transit where deceptions first occur and continue throughout the victims' ordeal. That removes the accountability of institutions in Kuwait that are also part of the trafficking chain.

[24] Information provided by the Public Prosecutor during the meeting with the Special Rapporteur.

[25] A human rights approach to trafficking emphasizes assistance for trafficked persons, making them eligible to receive services and benefits regardless of their immigration or other status or their ability or willingness to cooperate with law enforcement officers and prosecutors.

G. Redress

63. Compensation and restitution are an integral part of effective remedies for victims of trafficking under international human rights law and standards.[26] In Kuwait, compensation for victims is not specifically addressed in the anti-trafficking law. Nevertheless, assuming victims are aware of their rights and benefit from legal assistance, it is possible for them to file separate civil and criminal claims for compensation, although information on such cases was not available at the time of the Special Rapporteur's visit.

64. Another important means of redress specifically for victims of labour trafficking is the recovery of unpaid wages. While not provided for under the anti-trafficking law, victims of domestic servitude and exploited domestic workers may nevertheless raise claims against their employers and employment agents with the Domestic Labour Department of the Ministry of the Interior[27] or with the Ministry of Social Affairs and Labour for claims concerning wages or other payment due to them. The domestic workers' shelter and the Counter-Trafficking Department have also been assisting some victims to obtain their unpaid wages.

65. Extension of the validity of the residence permit is envisaged for domestic workers whose complaints for unpaid wages are pending.[28] However, that applies only in cases where an absconding charge has not been filed by the employer before the worker lodged a complaint to the Domestic Workers Department. The practice of employers filing absconding charges unbeknown to the employee who is still working for them is prevalent and can result in the criminalization of victims of trafficking instead of the protection to which they are entitled. Moreover, the Special Rapporteur is of the view that in such cases, absconding charges should be reversed and residence and work permits should be granted to victims (regardless of whether absconding charges are filed against them) as an appropriate form of remedy, at least during the reflection period and during the criminal, civil or administrative proceedings, or even longer if return is not in the victim's best interest.

H. Repatriation and reintegration

66. While the anti-trafficking legislation does not specifically spell out the type of assistance provided to identified victims of trafficking with regard to their repatriation and reintegration, an assisted voluntary return and reintegration programme for trafficked persons was being piloted by the Public Authority for Manpower and the Ministry of the Interior, with the assistance of IOM.

67. The programme involves a screening interview to identify victims of trafficking, followed by individual counselling to help the trafficking victim to acquire or develop skills to cope with and adjust to the immediate circumstances with a view to full recovery. That is followed by a pre-return risk assessment, which checks the potential level of risk to which victims of trafficking and their families are exposed, and the likelihood of retaliation against those who have escaped their traffickers. A pre-departure medical check assesses the medical condition of victims to determine whether any health problems could hinder their safe travel. Once consent and return risk assessment results have been obtained, travel is arranged and paid for by the authorities, embassies and IOM.

68. Reintegration is also provided as part of the pilot to provide for victims' safe, dignified and sustainable reinsertion into society and a normalized life in their home country. The reintegration assistance given to victims of trafficking includes health-care services, reinsertion into the educational system, vocational training, help to set up a microenterprise, job placement, wage subsidies and housing. The Special Rapporteur was

[26] Art. 6 (6) of the Palermo Protocol and guideline 9 of the Principles and Guidelines on Human Rights and Human Trafficking.

[27] See Domestic Workers Law No. 68/2015, art. 33.

[28] Ibid.

pleased to learn that after their return, victims' reintegration is monitored through regular contact with IOM to ensure that it is effective.

69. Under the programme, all identified victims, of whom there were 24 at the time of the Special Rapporteur's visit, were returned.

70. The possibility of reinsertion of trafficked persons within Kuwaiti society is not provided for, either in law or in practice, although trafficked persons by virtue of their status as victims are entitled to reintegration as part of their stay in the country, under the Palermo Protocol. Such reintegration assistance makes it less likely that victims of trafficking will be retrafficked.

71. The Special Rapporteur was informed of the possibility for trafficked persons who wished to remain in the country to change employers and continue working in the same industry for which their employment permit was originally issued. While that is an encouraging initiative, it may be applicable to only a very limited number of victims of trafficking: those without an absconding charge by their employers, those with valid work and residence permits and those trafficked only for labour exploitation. Moreover, victims of trafficking who were deceptively promised jobs in the hotel industry but found themselves working as domestic workers cannot transfer to employment in the hotel sector, for which they have training and experience, because it is impossible to transfer from the domestic workers' visa to the private sector visa.

E. Prevention

1. Public awareness

72. The Government has taken a number of measures aimed at preventing trafficking in persons. Several capacity-building activities for law enforcement and government officials, including Kuwaiti diplomats, the judiciary, the media, migrant workers and employers, were held in collaboration with Ministry of the Interior, the Public Authority for Manpower, the Ministry of Social Affairs and Labour and the Kuwait Institute for Judicial and Legal Studies. NGOs, international organizations such as IOM, ILO and UNDP, as well as some embassies, also contribute to the dissemination of information. Officials have gained experience on practical ways to tackle trafficking during knowledge-sharing visits to other countries. Despite the increased attention devoted to the issue, trafficked persons, those at risk of being trafficked or otherwise exploited, their employers and employment agencies are still not fully aware of what human trafficking is or how to get assistance.

73. Addressing demand is another prevention strategy, which, in the context of Kuwait, means primarily demand for exploitative labour of migrant workers, including domestic workers. There is a critical need to continue raising the awareness of employers and employment agencies about the labour rights of all workers under international human rights law and standards in order to avoid trafficking. At the same time, there is a need to stop the practice of withholding migrants' passports. The regulation, licensing and monitoring of recruitment and employment agencies has yet to be effective in preventing the exploitation of migrant workers. The closed joint stock company for the recruitment and employment of domestic workers (see para. 35 above) could bridge the gap created by the demand for domestic work in Kuwait. The Special Rapporteur encourages the Government to establish that innovative institution promptly.

74. There is also a critical need to raise awareness about other forms of trafficking, including internal trafficking, trafficking of children and trafficking for the purpose of sexual exploitation.

2. Safe migration

75. Current immigration practices focus on criminalizing rather than protecting the migrant labour force, which includes victims of trafficking, refugees and asylum seekers who lack formal recognition in Kuwait.

76. The Special Rapporteur wishes to reiterate that more opportunities for safe migration, that is, regular, gainful and non-exploitative migration, are needed if Kuwait is to effectively address the demand for exploitable labour and fulfil its obligations to respect, protect and promote the labour rights of all workers, including migrants.

3. Public-private partnerships

77. The Special Rapporteur was pleased to learn about the ILO regional fair migration project (Jan. 2016-July 2018),[77] which is being implemented in partnership with the Ministry of Social Affairs and Labour, and aims to promote regular migration, including fair recruitment, and the elimination of forced labour and trafficking for labour exploitation. The project promotes policy change for fair migration, supports improved implementation of laws and policies, and addresses discriminatory attitudes and actions towards migrant workers particularly focusing on the construction and domestic work sectors, in which low-skilled migrant workers predominate.

78. However, information about endeavours to address human trafficking in businesses that employ large numbers of migrant workers, including in the hospitality and the oil sectors, was not available. Preventing trafficking for the purposes of labour exploitation and other types of exploitation should be the aspiration of all ethical businesses in Kuwait, be they national, international or multinational.

J. Cooperation and partnership

1. Cooperation with civil society

79. The contribution of and collaboration with civil society organizations are crucial in the fight against human trafficking. Coordination with services provided by civil society organizations is at present incoherent owing to the lack of a permanent interministerial committee or structure and of a national anti-trafficking action plan. Only a very limited number of civil society organizations contribute on an ad hoc basis to anti-trafficking work in Kuwait, particularly in the provision of assistance to victims. There is a need to take immediate steps to establish the necessary legal framework and support to enable a larger pool of potential service providers and civil society organizations to provide protection and assistance to victims, including by running shelters and providing counselling and training to victims.

2. International, regional and bilateral cooperation

80. Kuwait has concluded a number of memorandums of understanding on labour migration and trafficking with countries such as Egypt, India, the Philippines and Sri Lanka and works closely with embassies of other countries. Kuwait also benefits from cooperation with the United Nations and with international and regional organizations in areas such as training, assistance to victims of trafficking, repatriation and awareness-raising.

81. Internationally, Kuwait benefits from exchanging information, including on good practices in the area of trafficking in persons. Officials in charge of the shelter for victims of trafficking have benefited from their counterparts' experience in the protection of victims' rights during study tours to Belgium, the Netherlands and Yemen.

82. At the regional level, Kuwait co-chairs the Abu Dhabi Dialogue on labour mobility between countries of origin and destination.[78]

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[77] See www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_516544.pdf.

[78] See www.iom.int/abu-dhabi-dialogue.

III. Conclusions and recommendations

A. Conclusions

61. The Special Rapporteur commends the efforts of Kuwait to prevent and fight trafficking in persons. The establishment of the Anti-Trafficking Unit within the Ministry of the Interior and the government shelter for migrant workers run by the Public Authority for Manpower are two important marks of its commitment to end human trafficking. The country's anti-trafficking legislation and its periodically revised legal framework on migrant labour, including domestic work on which its economy relies heavily, also form part of its efforts to combat trafficking. However, better implementation along with regular monitoring and enforcement are needed.

62. Human trafficking in Kuwait is perceived as mainly involving labour exploitation of non-Kuwaiti citizens, with little attention paid to trafficking for the purpose of sexual exploitation, which can involve Kuwaitis, migrants, refugees, asylum seekers and the stateless bidoon population. The restrictive immigration policy focused on rapid deportation of migrants in irregular situations does not provide the opportunity for accurate identification of or provision of assistance to victims of trafficking. The kafala system, which binds workers to employers, creates vulnerabilities and facilitates abusive and exploitative work relationships, leading to human trafficking in the domestic and other sectors. There is a capacity gap in terms of the ability to quickly and accurately identify victims of trafficking. The rate of prosecution of trafficking cases remains very low, perpetuating the impunity of traffickers and obstructing victims' access to justice. In the absence of a national strategy to combat trafficking and standard operating procedures, it is difficult to address trafficking in a coordinated manner.

63. The Special Rapporteur is seriously concerned that the conditions under which victims of trafficking are allowed to stay in shelters may amount to detention. In addition to infringing human rights relating to freedom of movement and protection from arbitrary detention, these conditions curtail victims' personal freedom, which should be guaranteed at all times. Staff in the shelters, despite being committed, require continued specialized training and capacity-building. While acknowledging the Government's efforts to raise awareness about trafficking, the Special Rapporteur notes that prevention is still at an early stage and does not target all the population at risk, including refugees, asylum seekers, stateless persons, domestic workers, employers and employment agencies.

B. Recommendations

64. On the basis of the above findings, and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations to Kuwait:

(a) Ratify without delay the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the ILO Domestic Workers Convention, 2011 (No. 189) and the ILO Protocol of 2014 to the Forced Labour Convention;

(b) Establish and, where already in existence, implement bilateral and multilateral agreements for the exchange of information, mutual legal assistance and safe returns in order to jointly tackle the root causes of trafficking in persons;

(c) Continue working with source countries to ensure prevention and awareness-raising.

87. **With regard to the national framework:**

(a) **Finalize and rapidly adopt, after consultation with all stakeholders, a national anti-trafficking plan of action taking a human rights and victim-centred approach, with clear objectives, responsibilities and indicators to measure progress, and allocate a dedicated budget for its implementation;**

(b) **Enforce labour regulations in order to provide greater protection to migrant workers, including domestic workers, as well as refugees, asylum seekers and stateless persons (bidoons) seeking employment, in accordance with international legal standards. Ensure that frequent inspections are conducted in trafficking-prone sectors and in households;**

(c) **Abolish and replace the kafala sponsorship system, which binds every worker to an employer as a sponsor and creates a situation of vulnerability that favours abusive and exploitative work relationships leading to human trafficking in the domestic work and other sectors, such as construction;**

(d) **Develop and increase alternative options for regular and safe migration, and for legal employment of migrant workers in the country;**

(e) **Centralize all issues relating to labour, including migrant labour, under one government institution, ensuring that domestic work is shifted from the Domestic Labour Department within the Ministry of the Interior to the Public Authority for Manpower;**

(f) **Fast-track the establishment of the closed joint stock company for the recruitment and employment of domestic workers provided for in Law No. 69/2015 to prevent trafficking of domestic workers;**

(g) **Carry out a national baseline study in collaboration with independent research institutes, bilateral partners and civil society to document the scope and trends of trafficking at the national level. Ensure that the study addresses all forms of human trafficking, its causes and consequences, particularly trafficking involving refugees and asylum seekers, as well as internal trafficking of Kuwaitis;**

(h) **Establish a systematized and harmonized data-collection system to include victims' countries of origin, sex, age and the nature and type of trafficking involved. The system should also include information on traffickers and data on investigations, prosecution rates and sentencing.**

88. **With regard to identification, training and capacity-building:**

(a) **Urgently establish standard operating procedures for the identification of all forms of trafficking and referral of victims, defining indicators to look out for while screening vulnerable persons, including Kuwaitis, undocumented migrants, refugees, asylum seekers and stateless persons;**

(b) **Ensure that victims of trafficking can be identified, even when they are in immigration detention centres, in order to avoid their repatriation and revictimization;**

(c) **Establish appropriate tools and indicators to enable labour inspectors to identify victims of trafficking during labour checks, including in the construction and sanitation sectors and in households, accompanied by immediate protection measures for victims of forced labour;**

(d) **Continue providing comprehensive training programmes on trafficking in persons to enhance the knowledge and awareness of all stakeholders, including police, immigration, customs and maritime officers, labour inspectors, prosecutors, judges, lawyers, employers, employment agencies, civil society organizations and the media, in cooperation with the Kuwait Institute for Judicial and Legal Studies and international institutions;**

(e) **Continue training all service providers involved in the assistance and care of victims of trafficking.**

89. **With regard to support services for victims of trafficking:**

(a) **Protect and assist all victims of trafficking, including victims of labour trafficking and domestic servitude, with full respect for their human rights;**

(b) **Establish a shelter for male victims of trafficking, with adequate funding and provision of appropriate assistance;**

(c) **Make provision for unconditional and appropriate assistance, including social, psychological, medical and legal support, as well as translation assistance and interpretation services in shelters, in accordance with article 6 (6) of the Palermo Protocol. Ensure that victims living in shelters have freedom of movement, access to employment and residence in the country;**

(d) **Enable adequately funded service providers and civil society organizations working to address trafficking in persons to manage shelters and provide comprehensive assistance, such as social, psychological, medical and legal support, as well as translation and interpretation services, for victims of trafficking. Achieve without delay more effective collaboration with civil society organizations;**

(e) **Provide victims of trafficking who do not wish to return to their countries owing to fear of retribution, hardship or retrafficking with viable alternatives to remain and work legally in Kuwait, including through granting special residence and work permits;**

(f) **Establish tools with clear procedures and safeguards to avoid revictimization during the process of repatriation, reintegration and reinsertion of trafficked persons in Kuwait, the source country or a third country;**

(g) **Ensure that the free 24-hour trafficking hotlines are accessible in the languages that may be the only ones that potential victims speak and that they are serviced by multilingual staff who have received specialized training on trafficking in persons;**

(h) **Maintain close cooperation with regional and international organizations, particularly IOM and UNHCR, as well as diplomatic missions, for the safe return of trafficked victims to their country of origin, having due regard to the need, if any, for international protection of the victims and the application of the principle of non-refoulement;**

(i) **Establish a national fund that will provide for a comprehensive compensation scheme for victims of trafficking;**

(j) **Ensure that appropriate procedures are in place to evaluate the best interests of the child during the stage of identification, protection and assistance and before making any decision on the eventual repatriation of children.**

90. **With regard to prosecution:**

(a) **Improve the justice system to ensure speedy investigation and adjudication of cases of trafficking while guaranteeing fair-trial rights consistent with a human rights-based approach to criminal justice responses;**

(b) **Ensure due implementation of victim and witness protection in the prosecution of cases of trafficking, before, during and after the trial in order to avoid reprisals;**

(c) **Ensure that the best interests of the child are at the heart of the criminal justice response in cases involving children;**

(d) **Continue strengthening the capacity of judicial officials to prosecute trafficking cases;**

(e) **Consider establishing specialized sections in criminal courts and prosecutors' offices in order to achieve better results in the repression of trafficking by trained judicial officials.**

91. **With regard to prevention:**

(a) Step up efforts to raise awareness about all forms of trafficking in persons, including for domestic servitude, forced labour and sexual exploitation, in order to promote understanding of what constitutes trafficking among the general population, the migrant community, refugees and asylum seekers, employers and employment agencies;

(b) Conduct surveys to assess the impact of the relevant awareness-raising campaigns, which should be extended to the whole country and especially to areas where there is a high concentration of persons in vulnerable situations. Moreover, awareness-raising material should be made available in multiple languages;

(c) Empower NGOs, including through increased interaction and the provision of funds, to conduct awareness-raising about trafficking and to handle complaints concerning trafficking;

(d) Consider opening up the labour market to refugees, asylum seekers and stateless persons in order to prevent the labour and sexual exploitation of those vulnerable groups.

92. With regard to the engagement of businesses:

(a) Raise awareness among the business community about human trafficking and encourage businesses to make and maintain a supply chain free from trafficking, including through the establishment of self-regulatory mechanisms and tools;

(b) Revise and enforce stringent regulations regarding employment agencies, regularly monitor the activities of those that are already licensed, and take immediate action to revoke their licences and prosecute them in cases where illegal action involving trafficking in persons has been found to have taken place.